THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 9001 of 2006

Dated: 11-07-2006

Between:

Rasheed Mohd.,Hussain

..... PETITIONER

AND

The Defence Estate Officer,
A.P., Circle, City Civl Court,
Secunderabad and another.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 9001 of 2006

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondents in not paying the compensation amount to the petitioner in spite of undertaking given in E.P.No.31 of 2005 in O.P.No.140 of 1986 on the file of the Court of Principal Senior Civil Judge, Ranga Reddy District, is arbitrary and illegal.

The petitioner claims to be the owner of land situated in Kowkoor village, which was acquired under the provisions of the Land Acquisition Act. An award was passed on 30-01-1984 fixing the compensation at the rate of Rs.6,000/- per acre. On reference to the Civil Court, the compensation was enhanced to Rs.21/- per square yard by Judgment of the Principal Senior Civil Judge, Ranga Reddy District, dated 13-08-1991. However, the appeal preferred by the Special Deputy Collector in this Court being A.S.No.1089 of 1992 was allowed by judgment dated 18-12-1996 and the matter was remitted for consideration afresh. After remand, the learned Principal Senior Civil Judge, Ranga Reddy District, vide judgment dated 27-11-1998, held that the petitioner is entitled for compensation at the rate of Rs.16/- per square yard with a direction that the amounts already received shall be deducted at the time of disbursing the compensation. Though the Land Acquisition Officer preferred an appeal against the said order, the same was dismissed by this Court on 24-12-2003. The Special Leave Petition to the Supreme Court was also dismissed vide order dated 03-12-2004. Thereafter, since the respondents failed to deposit the compensation amount, the petitioner filed E.P.No.31 of 2005 in the

Court of the Principal Senior Civil Judge, Ranga Reddy District, in which the respondents gave an undertaking dated 27-07-2005 that the amount would be deposited in one month. However, they failed to do so. Hence, this writ petition.

In the counter affidavit filed by the second respondent, the averments of the petitioner are not disputed. The second respondent in the counter affidavit has stated that the Defence Estate Officer, A.P., Circle, Secunderabad had moved the higher authorities for necessary sanction and the decreetal amount would be deposited within three moths.

In view of the admitted facts and the stand taken by the second respondent in his counter affidavit, the writ petition is disposed of with a direction to the respondents to deposit the amount to which the petitioner is entitled to within a period of three months from the date of receipt of this order. No costs.

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G. ROHINI, J

Dated: 11-07-2006
KLP